

## REMARKS

Claims 1-32 are pending in the application. Claims 3-5, 19-21, and 23-25 are withdrawn from consideration. Claims 1, 2, 6-15 and 18 stand rejected by the Examiner. Claims 17, 22, 26 and 28-33 are objected to. The Examiner's objections and rejections are addressed below in substantially the same order as in the office action.

### Claims 16, 17 and 22

The Office Action states that the indicated allowability of claim 16, 17 and 22 is withdrawn in view of the previously presented discovered reference(s) to Nazzal et al., U.S. 6,041,860. However, only claim 16 is discussed with reference to Nazzal et al and elsewhere claims 17 and 22 are deemed as allowable if certain grammatical errors were corrected. Applicant has proceeded on the assumption that claims 17 and 22 are objected to but otherwise allowable.

Claims 17 and 22 are believed to be allowable in view of the correction made by Applicant.

### Claim Rejections - 35 USC 102

Claims 1, 2, 6 and 27 stand rejected under 35 U.S.C. 102(b) as being anticipated by Essary, U.S. 3,268,003. The Examiner contends that Essary discloses a string of tubular drill pipe (23,22) disposed in a wellbore, a workpiece or fishing device (32) lowered within the tubular drill pipe to remove a broken pipe (31) section; and subsequently a tension sensing tool (free point indicator; col. 3, lines 53-63) lowered within the tubular drill pipe string.

Applicant previously argued that the Essary tension sensing tool is not in the tool string. Columns 3 and 4 describe the general fishing procedure that has at least three distinct phases, each of which has unique tooling. First, a fishing tool is used to remove a portion of a stuck drill string (Fig. 2 -3 and col. 3, lines 4-32). Next, a free point

indicator is used to determine a "free point" in the stuck string. Finally, a perforator is used to perforate the stuck string (col. 3, lines 63-75). Thereafter, fluid is pumped down to wash the stuck string. Essary does not disclose a tool string that includes a fishing tool and a condition sensing tool. In fact, a free point indication is not shown in the figures that illustrate the fishing tool. Further, Essary teaches the opposite by clearly separating the tooling for the fishing and condition sensing.

In reply, the Examiner contends that Essary discloses a similar system to the claims but requires multiple trips, which the Examiner contends is not precluded by the recitations of the claims.

With respect to claims 1, 2, 6 and 27, Essary does not teach or suggest a condition sensing tool configured to be conveyed into the wellbore with the workpiece. Rather, Essary teaches separate trips. Because Essary does not teach or suggest each and every aspect of claims 1, 2, 6, and 27, Applicant submits that claims 1, 2, 6 and 27 are allowable over Essary.

Claims 1 and 7-13 stand rejected under 35 U.S.C. 102(b) as being anticipated by Rogers, U.S. 3,994,163. Regarding claim 1 and 11, the Examiner contends that Rogers discloses a string of tubular drill pipe string (P) in a wellbore for housing a workpiece (T) within the tubular drill pipe string for sensing (S) a tension (col. 7, lines 27-33).

Applicant previously argued that the Rogers does not teach or suggest a tool string formed of a tubular. Rather, Rogers teaches a wire line conveyed device. Furthermore, Rogers does not suggest a tubular string because such a tool string would render the described electronics inoperable.

In reply, the Examiner contends that Rogers discloses a string of drill pipe having a non-drilling, wire-line conveyed tool defined therein.

With respect to claim 1, Rogers does not teach or suggest a condition sensing tool configured to be conveyed into the wellbore with the workpiece using the tool string.

With respect to claim 11, Rogers does not teach or suggest an outer housing, a sensor section, and at least one sensor all being configured to be conveyed into the wellbore with a tubular tool string. To Applicant's reading, the sensor of Rogers is not configured to be conveyed into the wellbore with a tubular tool string.

Claims 7-10, 12, and 13 depend from either claim 1 or 11, claims believed to be allowable over Rogers, and thus are allowable on at least such grounds.

Claims 14, 15 and 18, stand rejected under 35 U.S.C. 102(b) as being anticipated by Sweetman, U.S. 2,745,345. The Examiner contends that Sweetman discloses a shock absorber, joint locator (workpiece; col.2, lines 67-70) and a condition sensing tool (75) detecting a weight including compression of springs (5) having latching fingers integrated with a tubular pipe string (13) in a wellbore; transmitting cable tension to a remote location (77) and detonation of a charge in the workpiece (col. 6, first full paragraph) to facilitate unthreading a connection.

Applicant previously argued that Sweetman—like Rogers—does not teach or suggest a tool string formed of a tubular. Rather, Rogers teaches a wire line conveyed device using a lowering cable 25 and a power conducting cable 26. Furthermore, Sweetman does not suggest a tubular string because such a tool string would render the described electronics inoperable.

With respect to amended claim 14, Sweetman does not teach conveying a workpiece and a condition sensing tool into a wellbore using a tool string formed of a tubular. Because Sweetman does not teach each and every recitation of claim 14, Applicant submits that claim 14 is allowable over Sweetman.

Claims 15 and 18 depend from claim 14, a claim believed to be allowable over Sweetman, and thus is allowable on at least such grounds.

Claim 16 stand rejected under 35 U.S.C. 102(b) as being anticipated by Nazzal et al., U. S. 6,041,860. The Examiner contends that Nazzal et al. discloses all the claimed limitations including the tool string (202) for performing window cutting operation, reaming operation, cementing, welding, sealing or any other desired

operation having an ultrasonic sensor (260) and circuit (256) information storage (col. 2, lines 62-67).

With respect to claim 16, Nazzal et al does not teach or suggest detecting at least one downhole condition with the condition sensing tool while operating the workpiece. Rather, the sensor (260) of Nazzal et al appears to operate after the workpiece has been operated to visually evaluate the effectiveness of the operation. Thus, Applicant submits that claim 16 is allowable.

**Allowable Subject Matter**

Claims 17 and 22 have been amended to overcome the objections set forth in the Office action and are now believed to be allowable.

Claims 26 and 28-33 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. These claims have been so rewritten and are now believed to be allowable.

**CONCLUSION**

For all the foregoing reasons, Applicant submits that the application is in a condition for allowance. No fee is believed due for this paper. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. **02-0429 (284-34922-US)**.

Respectfully submitted,

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